

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
8

9 JOHN VALDIVIA,

10 Plaintiff,

11 v.

12 FRESNO COUNTY,

13 Defendant.
14

Case No. 1:24-cv-00084-JLT-EPG (PC)

**DISCOVERY ORDER
REQUIRING PARTIES
TO EXCHANGE DOCUMENTS**

15 To secure the just, speedy, and inexpensive disposition of this action,¹ the Court will
16 direct that certain documents that are central to the dispute be promptly produced.²

17 Accordingly, IT IS ORDERED that:

- 18 1. Each party has sixty days from the date of service of this order to serve opposing
19 parties, or their counsel, if represented, with copies of the following documents
20 and/or evidence if they have them in their possession, custody, or control, to the
21 extent these documents exist, are relevant, and the parties have not already done
22

23 ¹ See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with
24 the principle that the district court is charged with effectuating the speedy and orderly administration of
25 justice. There is universal acceptance in the federal courts that, in carrying out this mandate, a district
26 court has the authority to enter pretrial case management and discovery orders designed to ensure that
the relevant issues to be tried are identified, that the parties have an opportunity to engage in appropriate
discovery and that the parties are adequately and timely prepared so that the trial can proceed efficiently
and intelligibly.”).

27 ² Advisory Committee Notes to 1993 Amendment to Federal Rules of Civil Procedure regarding
28 Rule 26(a) (“The enumeration in Rule 26(a) of items to be disclosed does not prevent a court from
requiring by order or local rule that the parties disclose additional information without a discovery
request.”).

so. Defense counsel is requested to obtain these documents from Plaintiff's institution(s) of confinement. If defense counsel is unable to do so, defense counsel should inform Plaintiff that a third-party subpoena is required. This order applies to all documents including confidential documents. Moreover, the parties are required to produce these documents, or lodge objections as described below, without awaiting a discovery request.

- a. Documents regarding exhaustion of Plaintiff's claims, including 602s (or similar), Form 22s, and responses from the appeals, if any.
- b. Documents regarding a Rules Violation Report (or similar) associated with the incident(s) alleged in the complaint, including disciplinary charges and findings, if any.
- c. Witness statements and evidence that were generated from investigation(s) related to the event(s) at issue in the complaint, such as an investigation stemming from the processing of Plaintiff's grievance(s), if any.³
- d. Incident reports regarding any use of force incident(s) alleged in the complaint, if any.
- e. Plaintiff's medical records related to the incident(s) and/or condition(s) at issue in the case, if any.
- f. Chronos for transfer or Administrative Segregation placement related to the incident(s) alleged in the complaint, if any.

///

³ See *Woodford v. Ngo*, 548 U.S. 81, 94–95 (2006) (“[P]roper exhaustion improves the quality of those prisoner suits that are eventually filed because proper exhaustion often results in the creation of an administrative record that is helpful to the court. When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and preserved.”).

The Court notes that Defendant(s) only need to produce documents such as a Confidential Appeal Inquiry or a Use of Force Critique to the extent those documents contain witness statements related to the incident(s) alleged in the complaint and/or evidence related to the incident(s) alleged in the complaint that will not be provided to Plaintiff separately.

- 1 g. Video recordings and photographs related to the incident(s) at issue in
2 the complaint, including video recordings and photographs of Plaintiff
3 taken following the incident(s), if any.⁴
4
5 h. Documents, electronically stored information, and tangible things that
6 the disclosing party has in its possession, custody, or control and may
7 use to support its claims or defenses, unless the use would be solely for
8 impeachment, if any, including the following documents identified in the
9 Defendant's Scheduling and Discovery Statement (ECF No. 17 at 3–4):
10 i. "Jail Report Forms" associated with Incident ID # I21007621;
11 ii. "Classification forms" associated with Plaintiff's incarceration;
12 iii. documents associated with Plaintiff's initial booking, including
13 the "Inmate Classification Questionnaire";
14 iv. disciplinary records from Plaintiff's time at the Fresno County
15 Jail and Coalinga State Hospital (if such records exist and
16 Defendant obtains them);
17 v. Documents such as court records showing Plaintiff's past
18 criminal history.

- 19 2. If any party obtains documents and/or other evidence described above later in
20 the case (including, but not limited to, documents and/or other evidence from a
21 third party), that party shall provide all other parties with copies of the
22 documents and/or evidence within thirty days. Defendant identified several third
23 parties that may have the following relevant documents (ECF No. 17 at 4):
24 i. Coalinga State Hospital (records related to Plaintiff's time housed
25 in that facility);
26

27 ⁴ If Plaintiff is not allowed possess, or is unable to play, video recording(s), defense counsel
28 shall work with staff at Plaintiff's institution of confinement to ensure that Plaintiff is able to view the
video recording(s).

- ii. the Fresno Superior Court (records related to Plaintiff's SVP commitment proceedings and convictions in the County of Fresno), and
- iii. the California Department of Corrections and Rehabilitation (records related to the state prison system generally and Plaintiff's time in that system."

If either party obtains these records, it must comply with the requirements of this Order.

3. Parties do not need to produce documents or evidence that they have already produced.
4. Parties do not need to produce documents or evidence that were provided to them by the opposing party.
5. Parties may object to producing any of the above-listed documents and/or evidence. Objections shall be filed with the Court and served on all other parties within sixty days from the date of service of this order (or within thirty days of receiving additional documents and/or evidence). The objection should include the basis for not providing the documents and/or evidence. If Defendant(s) object based on the official information privilege, Defendant(s) shall follow the procedures described in the Court's scheduling order.
6. If a party files an objection, all other parties have fourteen days from the date the objection is filed to file a response. If any party files a response to an objection, the Court will issue a ruling on the objection.

IT IS SO ORDERED.

Dated: February 26, 2025

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE